

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Medtronic, Inc. and Medtronic USA, Inc.,

Plaintiffs,

Civ. No. 07-4947 (RHK/AJB)

ORDER

v.

Endologix, Inc., Albert Rotondo, and Brooke
L. Keeler,

Defendants.

This matter is before the Court on Plaintiffs' Motion to Expedite Hearing (Doc. No. 9). In that Motion, Plaintiffs ask the Court to schedule an expedited hearing on their Motion to Remand (Doc. No. 4), so that they may obtain immediate injunctive relief in state court (where this action was originally filed and where Plaintiffs' Motion for a Temporary Restraining Order remains pending). The Court having reviewed the Motion and having concluded that the relief requested therein is both necessary and appropriate, **IT IS ORDERED** as follows:

1. Plaintiffs' Motion to Expedite Hearing (Doc. No. 9) is **GRANTED**;
2. Defendants shall serve and file a Memorandum in Response to the Motion to Remand no later than 12:00 p.m. on Saturday, January 5, 2008. Defendants' Memorandum shall address only Plaintiffs' request to remand this matter to state court and not Plaintiffs'

alternative request for a Temporary Restraining Order.¹ Defendants shall deliver courtesy copies of the Memorandum and any supporting documents to the Court by facsimile (651/848-1162) at the time of filing;²

3. Plaintiffs may serve and file a Reply Memorandum in support of the Motion to Remand, if any, no later than 8:00 a.m. on Monday, January 7, 2008. Plaintiffs shall deliver courtesy copies of the Reply Memorandum and any supporting documents to the Court by facsimile (651/848-1162) at the time of filing;³ and

4. A hearing will be held on the Motion to Remand before the undersigned at 11:00 a.m. on January 7, 2008, in Courtroom 14W at the United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota.

Dated: January 3, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge

¹ Defendants are advised, however, that in the event the Court were to deny the Motion to Remand, it intends to schedule a hearing on the request for a Temporary Restraining Order no later than Friday, January 11, 2008, and it will require Defendants to submit a Memorandum in Response to that request in advance of the hearing.

² Counsel for the parties shall confer to ensure that copies of Defendants' papers are received by Plaintiffs' counsel in a similarly expedient fashion (whether by facsimile, e-mail, hand delivery, etc.).

³ See footnote 2.